



Republic of the Philippines
 Province of Davao Oriental
OFFICE OF THE SANGGUNIANG PANLALAWIGAN
 SP Complex, Government Center, Dahican
 CITY OF MATI



EXCERPTS FROM THE MINUTES OF THE 73RD REGULAR SESSION OF THE 16TH SANGGUNIANG PANLALAWIGAN OF DAVAO ORIENTAL, HELD ON WEDNESDAY, NOVEMBER 18, 2020, AT THE CITY OF MATI, THIS PROVINCE.

PRESENT:

Hon. Niño Sotero L. Uy, Jr. Vice Governor - Presiding Officer

Regular Members:

District I

Hon. Nelson R. Dayanghirang, Jr.
 Hon. Dante M. Caubang
 Hon. Marietta D. Palmera
 Hon. Joselito B. Villademoso
 Hon. Laureano B. Taya

District II

Hon. Louis N. Rabat
 Hon. Anacleto P. Macatabog
 Hon. Enrico M. Antopuesto
 Hon. Dennis V. Roflo, Jr.

Ex-Officio Members:

Hon. Charlie S. Ambasan

Indigenous Peoples' Mandatory Representative

Hon. Ronald T. Lara, Jr.

Sangguniang Kabataan Provincial Federation President

ABSENT:

Hon. Lemuel Ian M. Larcia
 Hon. Rabsalon M. Lamaran

SP Member, District II
 President, Philippine Councilor's League – O.B. Banaybanay

Hon. Rustan R. Castellones

President, Liga Ng Mga Barangay

PROVINCIAL ORDINANCE NO. 16-47-11-2020

Author : Hon. Anacleto P. Macatabog

Sponsor : Hon. Nelson R. Dayanghirang, Jr.

AN ORDINANCE ENACTING THE RULES OF PROCEDURE ON LEGISLATIVE INQUIRY IN AID OF LEGISLATION OF THE SANGGUNIANG PANLALAWIGAN OF DAVAO ORIENTAL.

After a careful and thorough deliberation, on motion of SP Member Nelson R. Dayanghirang, Jr., duly and jointly seconded by SP Members Dennis V. Roflo, Jr., and Enrico M. Antopuesto, it was

Be it ordained by the 16th Sangguniang Panlalawigan of Davao Oriental in session duly assembled that:

SECTION 1. There shall be defined the powers of the Sangguniang Panlalawigan en banc or through its committee to conduct legislative inquiry in aid of legislation, to wit:

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- a) to gather documents;
- b) to subject the legislative proposal to a committee hearing;
- c) to hear inputs from resource persons who are knowledgeable on the matter;
- d) to recommend for the passage of certain legislative measure.

SECTION 2. DEFINITION OF TERMS – For purposes of this ordinance the following terms are defined as follows:

- (a) **Sangguniang Panlalawigan En Banc** – refers to this Sanggunian at least with majority of all its members assembled as one whole body;
- (b) **Committee** – means any of the regular/standing committees of the Sangguniang Panlalawigan or any of the special committees that maybe created;
- (c) **Inquiry in Aid of Legislation**- refers to an activity *inter alia* undertaken as means to enable the legislative body to gather relevant information on any proposed legislative measures, or to determine whether there is a need to improve existing laws, remedial or new legislation.
- (d) **Conflict of interest**- refers to an act, influence, loyalty, connection or interest over the matter subject of inquiry.

SECTION 3. COVERAGE - This ordinance shall govern the *legislative inquiry in aid of legislation* that may be conducted by the Sangguniang Panlalawigan en banc or through its committees on matters which in its own initiative be inquired into, to gather relevant inputs, information, which are and testimonies material to any complaint, controversy or proposed legislative measures, or amendments to existing laws or for future legislations.

Adversarial matters or matters which are still pending for litigation and/or investigation with the court, Office of the Ombudsman and/or other agencies of the government shall not be a subject of inquiry in aid of legislation.

SECTION 4. AUTHORITY – No *inquiry in aid of legislation* shall be conducted without the prior authority from the Sangguniang Panlalawigan en banc through a resolution to that effect.

SECTION 5. PROCEDURES

A. Inquiry Upon Own Initiative

- (a) Any member of the Sangguniang Panlalawigan may introduce or sponsor a resolution calling for an inquiry in aid of legislation by the Sangguniang Panlalawigan en banc or through its committees on the subject matter of the resolution;
- (b) In case of an en banc inquiry, the same shall be presided by the Vice Governor or in his/her absence or valid inhibition, by the highest ranking sanggunian member, or in the absence or valid inhibitions of both Vice Governor and highest ranking sanggunian member, by any member of the Sangguniang Panlalawigan who is chosen by the majority of the members present;

- (c) In case of inquiry by one committee of the Sangguniang Panlalawigan, the chairman of the concern committee shall preside the hearing. If there are two (2) or more committees tasked to conduct joint inquiry, the members of the said committees shall choose from among the chairmen present to preside the hearing. In the absence or valid inhibitions of the vice-chairmen, the members present shall choose from among themselves to take over.

B. Executive Session

- (1) If the Committee believes that the testimony of a witness in a public hearing considered confidential or will jeopardize the security of the witness, it may, motu proprio or upon motion of a committee member, conduct its inquiry in an executive session for the purpose of determining the necessity of such testimony;
- (2) Attendance at executive sessions shall be limited to members of the Committee, staff, other Sanggunian Members, and other persons whose presence is requested or allowed by the Committee; and
- (3) **Information** taken or material presented in an executive session, or any summary thereof, shall not be made public, in whole or in part, unless authorized by the Sanggunian Panlalawigan en banc.

C. Testimony may not be under Oath

Any **information** of witness/s at executive sessions or public hearings who testify as to matters of fact need not be under oath but shall be taken as material information as guide or reference for the passage of any appropriate legislative measures. *Witness/es may be invited* by the Committee on its own initiative or upon the request of the complainant or person giving the information or any person who feels that he may be affected by the said inquiry. The rights of person/s appearing in or affected by such inquiries shall at all times be respected.

D. Statement of Witness

- (1) Except as provided in the Sanggunian Internal Rules of Procedures, the participation of counsel during the course of any inquiry and while the witness is testifying shall be limited only to advising said witness as to his legal rights. Counsel shall not be permitted to make manifestation or engage in oral argument with the Committee, but shall confine his activity to the area of *legal advice* to his client only.

E. Committee Report

Within FIFTEEN (15) calendar days after the termination of the inquiry, the Committee shall submit its report together with the recommendations for Sanggunian en banc review, adoption or approval.

SECTION 6. INHIBITION - Any member of the Sangguniang Panlalawigan shall inhibit himself/herself from participating in the inquiry only on the grounds of:

1. Conflict of interest
2. Pecuniary interest
3. Delicadeza

- (a) Only witness/es with affidavits or sworn statements shall be allowed to testify;
- (b) All statements or testimonies given by any witness during the inquiry shall be considered *privileged communication*.

SECTION 7. COMMITTEE REPORT - If the *inquiry in aid of legislation* is done through any of the committee of the Sangguniang Panlalawigan, the committee concerned shall submit a report of its proceedings to the Sangguniang en banc for approval.

SECTION 8. RECORD OF PROCEEDINGS - All proceedings of the inquiry in aid of legislation shall be reflected in its minutes and submitted to the Sanggunian Secretary for proper administration.

SECTION 9. EFFECTIVITY - These Rules shall take effect TEN (10) days after approval.

ENACTED: NOVEMBER 18, 2020.

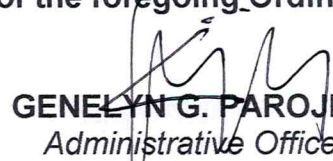
CARRIED, by eleven (11) affirmative votes of SP Members Nelson L. Dayanghirang, Jr., Louis N. Rabat, Anacleto P. Macatabog, Enrico M. Antopuesto, Dennis V. Roflo, Jr., Dante M. Caubang, Marietta D. Palmera, Joselito B. Villademoso, Laureano B. Taya, Charlie S. Ambasan, and Ronald T. Lara, Jr.; negative votes – none; and abstention - none.

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I hereby Certify to the Correctness
of the foregoing Ordinance.


GENELYN G. PAROJINOG
Administrative Officer V
Acting Secretary

**Attested and Certified
to be duly Adopted:**


NIÑO SOTERO L. UY, JR.
Vice Governor and Presiding Officer

APPROVED:


NELSON L. DAYANGHIRANG
Governor

Date approved
and signed NOV 26 2020